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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,804	09/25/2003	Detlef Haje	2001P05028WOUS	7576

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPT.
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JA

Office Action Summary	Application No. 10/670,804	Applicant(s) HAJE, DETLEF	
	Examiner Igor Kershteyn	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10, 13, 15, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 11, 12, 14, 16, 17, 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "the axial offset" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "in particular" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the

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remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 13 recites the broad recitation "a diffusion area of 10.0m to 25m", and the claim also recites "in particular 12.5m to 16m" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Blyth et al. (2,933,893).

In figures 1-4, Blyth et al. teach a turbine system comprising at least two turbine stages with each of the turbine stages having a turbine rotor 15,16 extending along a main axis, with the turbine rotors 15,16 being rigidly connected to each other, with at least one of the turbine stages having an inner casing 14 enclosing the turbine rotor 15,16, with the inner casing being supported in a bearing area so that it can be axially displaced, and with a thrust element 40 for transmitting an axial force for an axial displacement being provided, that is connected to the inner casing 14 characterized in that the bearing area has a bearing device 27 with a static friction that is so low that an

axial offset that spontaneously occurs when the static friction is overcome when displacing the inner casing 14 is less than 2 mm.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blyth et al. (2,933,893) in view of Owsianny (4,405,283).

Blyth et al. teach all the claimed subject matter except that they don't teach the bearing device has a hydrostatic bearing, that is supplied with a pressurized operating means with a sliding film being formed, characterized in that the sliding film is provided in a gap, with the height (H) of the gap being adjustable relative to the pressure (p.sub.B) of the operating means.

Owsianny in figures 1-6, teaches a turbine system having a bearing device 5 which has a hydrostatic bearing (See fig.4), that is supplied with a pressurized operating means 29 with a sliding film being formed (inherently), characterized in that the sliding film is provided in a gap, with the height (H) of the gap being adjustable relative to the pressure (p.sub.B) of the operating means.

Since Blyth et al. and Owsianny are analogous art because they are from the same field of endeavor, that is the bearing device for a turbine system art, it would have

been obvious at the time the invention was made to a person having ordinary skill in the art to modify the bearing device of Blyth et al. with the hydrostatic bearing as taught by Owsianny for the purpose of facilitating a position adjustability of relatively displaceable moving parts.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blyth et al. (2,933,893) in view of Owsianny (4,405,283).

Blyth et al. teach all the claimed subject matter except that they don't teach the inner casing is connected to a damping device to dampen vibrations.

Owsianny in figure 4 and 5, teaches the inner casing 4 is connected to a damping device 8', P1 to dampen vibrations.

Since Blyth et al. and Owsianny are analogous art because they are from the same field of endeavor, that is the bearing device for turbine system art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the bearing device of Blyth et al. with the damping device as taught by Owsianny for the purpose of reducing vibrations.

Allowable Subject Matter

Claims 5-7, 9, 11, 12, 14, 16, 17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Carr (3,837,164) is cited to show a turbine system having a casing supported in a bearing support and a bearing device located in the bearing support but fails to teach a thrust element.

Mansson (5,330,320) is cited to show a turbine system having a casing, a thrust element, a bearing device located in a bearing support but fails to teach the casing supported in the bearing support.

Oeynhausen et al. (6,092,986) is cited to teach a turbine system having a casing supported in a bearing support, a thrust element but fails to teach a bearing device.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

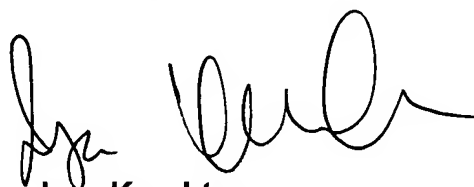
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

January 4, 2005



Igor Kershteyn
Patent examiner.
Art Unit 3745



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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1/4/05